

Volusia County Sheriff's Office Supervisor Investigation Report

Incident Entered By: LT Thomas Tatum - 2405

Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/4/2019	2/14/2019	08:10
Record ID #	Agency Case #	File #
25127	19-3558	SI 19-010
Date/Time Entered		
3/5/2019 11:08		

Incident Summary

This Supervisor Investigation is in regard to a disturbance at Atlantic High School in Port Orange. School Resource Deputy Paul Passerello handled the call which was documented in VCSO report 19-3558. There were a number of deficiencies noted as a result of this investigation. The following is a summary of the incident and lack of follow up by Deputy Passerello and Sergeant Jonelle Hillyard.

On February 14, 2019, School Resource Deputy Paul Passerello was working at Atlantic High School when he responded to a classroom reference to a medical emergency involving a teacher. Upon arrival, Deputy Passerello observed a teacher, Marie Arndt, on the floor with several other faculty members standing over her. Deputy Passerello was informed that a juvenile ESE student with Autism had an outburst and struck Ms. Arndt with a wooden chair causing injury to her shoulder and back. Deputy Passerello requested EVAC respond via Central Communications. EVAC arrived on scene and transported Ms. Arndt to Halifax Medical Center for further treatment/evaluation. One of the school administrators drove to Halifax Medical Center to be with Ms. Arndt.

Lieutenant Tatum was on scene conducting an Extra Patrol just after this incident occurred. Lieutenant Tatum met with Deputy Passerello who briefed him on the incident and the background on the juvenile suspect Leroy Cossey. Cossey was reported to have Autism and attends a class for Exceptional Student Education (ESE) students. Deputy Passerello received information that over the past week that Cossey was becoming more agitated and aggressive for unknown reasons. On the date of the incident, Cossey was on the computer, which was not allowed that early in the day, and a teacher attempted to re-direct him from the computer. Cossey reportedly leaped up and forcefully shoved one teacher backwards. Ms. Arndt was attempting to take a student in a wheelchair out of the room when she felt an object strike her on the left shoulder/elbow and back.

With the assistance of school staff, Deputy Passerello and Lieutenant Tatum walked Cossey to the administrative office where he was placed in a secured room. Cossey was very calm as he sat in the room and was supervised by one of the administrative staff members. During this time, Deputy Passerello made several attempts to contact Cossey's mother by phone. Deputy Passerello spoke with a family member at the residence who advised Ms. Cossey was not home. A short time later, Ms. Cossey called Deputy Passerello and he informed her of the incident involving her son. Ms. Cossey did not have private transportation and had to rely on the bus to take her to Atlantic High School.

During the time deputies were waiting on Ms. Cossey to arrive at the High School, several attempts were made to get an update on the condition of Ms. Arndt to no avail. Several attempts were made to contact the Mental Health Assessment Team the School Board was to have in place; however, they were not available to assist due to a delay in launching the program. Taking into consideration the mental status of Cossey and the special class he is assigned to, Lieutenant Tatum contacted Volusia County Sheriff's Office Legal Advisor Peter McGlashan to discuss options on how to legally proceed. Lieutenant Tatum provided Mr. McGlashan the information known at that time about Cossey. After much discussion, the decision was made to take Cossey into protective custody under the Baker Act with the option to file criminal charges at a later date after the completion of the incident investigation.

Ms. Cossey arrived on scene and she was informed that her son was going to Halifax Behavioral Services (HBS) for an assessment and evaluation. During the discussion with Ms. Cossey, she advised her son is on medication, but she failed to give him his medication that day. Ms. Cossey further stated that her son has counselors at Halifax Behavioral Services (HBS) that he is familiar with, but he hasn't been there to see them

in several months. Sergeant Jonelle Hillyard arrived on scene during this timeframe and was informed about the Baker Act and the option to file criminal charges at the completion of the investigation.

Atlantic High School Principal Stephen Hinson voiced his concern to Lieutenant Tatum, Sergeant Hillyard and Deputy Passerello about Cossey being taken into protective custody under the Baker Act. He was very vocal in his opinion that Cossey should not be Baker Acted nor arrested. Principal Hinson stated that Deputy Passerello should never have been called to the incident and that school staff should have handled it. He acknowledged that mistakes were made by his staff and those issues will be addressed. Principal Hinson further stated that if law enforcement had to be involved, they should just write a report to document the incident. Lieutenant Tatum and Sergeant Hillyard advised Principal Hinson that simply writing a report and taking no action was not something law enforcement was going to consider. Cossey was a potential threat to others as he already displayed an outburst that injured several people. Principal Hinson was argumentative in his position and made the statement that he was going to call a meeting with his Administrative Staff and the Sheriff's Administrative Staff to discuss this topic because he and the School Board were not happy with the decision being made.

With his mother present, Deputies explained to Cossey that he will be placed in handcuffs for the transport to HBS. Cossey complied and was placed in the back seat of Deputy Passerello's patrol car with no issues. Ms. Cossey was allowed to ride in the front seat of Deputy Passerello's vehicle so her son would remain calm. Deputy Passerello transported Cossey to HBS. Lieutenant Tatum left the High School as Sergeant Hillyard remained on campus for coverage.

On March 4, 2019, Lieutenant Tatum was notified by Captain Eagan that the investigation was not followed up on for criminal charges. Lieutenant Tatum pulled the report from RMS and noticed the original report and two supplements. Lieutenant Tatum reviewed the original report written by Deputy Passerello. The original report was missing key information regarding the conversation with Ms. Cossey about her son. Deputy Passerello writes "At approximately 1110 hours, Deputy Passerello met with Cossey (N1) at AHS and discussed the incident with Cossey (N1) and several Volusia County Schools Administrators." There was no mention of the information Ms. Cossey provided regarding how she failed to give her son his medication on that day. The report also lacks the information regarding how Cossey has counselors at HBS, that he is familiar with, and they may be able to evaluate his mental status. The case status was listed as "Closed."

The next contact Deputy Passerello had with Ms. Arndt was on February 25, 2019. Deputy Passerello met with Ms. Arndt to gain additional information regarding the incident on February 14, 2019. According to Deputy Passerello's report, Ms. Arndt was sitting in the lunch room on February 25, 2019, feeding her student in a wheelchair when Cossey approached her, leaned in close and said, "I'm about to put you in my trash, and you will be gone." Ms. Arndt provided a written statement to Deputy Passerello detailing her series of events on February 14, 2019, to include how she believed she was targeted by Cossey. The supplement report indicated that Deputy Passerello was provided names of witnesses to the event on February 14, 2019.

Deputy Passerello made contact with the Assistant Principal in charge of the ESE department, Althia Thompson. Ms. Thompson informed Deputy Passerello that several witness statements were written and she would provide those statements to him. Deputy Passerello was provided with two written statements which had the name of the witness redacted on each form. This included the name of the person who wrote the statement, date of birth, address and phone number and names within the narrative were all blacked out. Upon reviewing the blacked out witness statements, Deputy Passerello asked Ms. Thompson who instructed her to black out all the information, she told him Principal Hinson and the School Board instructed her. According to Deputy Passerello's supplement, he was unable to identify the witnesses. The supplement did not address any injuries Ms. Arndt suffered or any diagnosis by a doctor as a result of her injuries. No photographs were taken of possible injury. Deputy Passerello listed the case as "Closed."

The second supplement is dated March 4, 2019. According to the supplement, Deputy Passerello again met with Ms. Arndt to confirm she wished to pursue charges on Cossey. Deputy Passerello indicated he provided Ms. Arndt the opportunity to complete a sworn written statement. At this time, it is unknown if there is a second written statement waiting to be scanned into RMS or if Deputy Passerello is referring to the written statement provided by Ms. Arndt on February 25th. Additionally, the redacted statements from the unknown witnesses are also missing from RMS. Lieutenant Tatum called VCSO Records to confirm there are no other statements or documents that were attached to the report. At this time, it is unknown where the statements are located.

Deputy Passerello wrote in his supplement report, "Based on the totality of circumstances, Deputy Passerello's investigation has determined that there is NOT significant evidence to determine probable cause to believe that Cossey (D1) had committed the offense of battery against the school employee, Arndt (V1)." It is not known how this statement is corroborated due to fact no witnesses had been interviewed. The victim, Ms. Arndt, wrote in her statement that she feels she was targeted, thus alleging intent by the suspect. Deputy Passerello completed a juvenile affidavit charging Cossey with Battery Against a School Employee and had Ms. Arndt sign the document as the complainant.

Alleged Policy Violations:

26.2.34 Failure to Follow Directive or Order - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position. (Violation subject up to a 5 day suspension.)

26.2.40 Negligence, Not Endangering - Employees shall not ignore or violate official Directives, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions. (Violation subject up to a 5 day suspension.)

26.2.132 Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training. (Violation subject up to a written reprimand.)

42.1.20 It shall be the responsibility of the supervisor to ensure cases are assigned to qualified personnel or that assistance is obtained from those who may have more specialized skills.

42.1.21 (A) A supplement report shall be submitted within ten (10) days.

42.1.49 Each incident report shall be thoroughly reviewed by the supervisor.

42.1.50 The reviewing supervisor shall ensure that:

A. All appropriate lines, blocks or entry items are correct and complete

B. The crime classification is correct

C. The report body is in the correct format

D. Spelling, grammar and phraseology are correct and/or appropriate

E. All pertinent information is documented

F. The report is clear and legible

G. To the fullest extent possible, leads, clues or suspect information have been pursued at the preliminary level and a good faith effort has been made to solve the crime

42.1.51 The supervisor shall reject incident reports not meeting the above criteria.

Lieutenant Tatum's summary of concerns with this investigation, report and supplemental reports include:

- The original report is missing key information Ms. Cossey provided to Deputy Passerello about her son not taking his medication on the day of the incident (February 14, 2019).
- There is no mention of Ms. Cossey's son had previously seen counselors at HBS and that he was familiar with these counselors.
- There was no investigative follow up conducted or documented for 11 days until February 25, 2019, after Lieutenant Michelle Newman inquired about the outcome of this case.
- There is no information in the original report or two supplemental reports indicating the extent of injuries Ms. Arndt sustained from the alleged battery. There were also no photographs of her injuries.
- The juvenile 707 affidavit was signed by the victim, Ms. Arndt on March 4, 2019, 18 days after the original incident, and after Lieutenant Newman again inquired about the status of the investigation.
- Deputy Passerello's statements in his supplemental report indicating that there was no probable cause for the charge of Battery on School Board Employee are unsubstantiated because he did not conduct a thorough investigation.
- The interference of the school Principal redacting or directing an employee to redact key information from witness statements hindering the criminal investigation.
- Deputy Passerello closed the original report and first supplement, and both reports were approved by Sergeant Hillyard. The second supplement dated March 4, 2019, has not been reviewed or approved by Sergeant Hillyard at the time of this report.
- It is unknown if the additional teacher who was pushed during the original incident wanted to pursue criminal charges for Battery.

Sergeant Hillyard had the responsibility to ensure a thorough investigation was conducted, along with reviewing and correcting issues with the original report and supplemental reports, which she failed to do. Sergeant Hillyard failed to supervise the timeliness of the follow up for criminal charges. Sergeant Hillyard also has the duty of obtaining additional information regarding the interference of Principal Hinson with the redacted written witness statements. Sergeant Hillyard failed to address this issue, nor did she notify her chain of command about the interference.

Based on the results of this Supervisor Investigation and the potential for adverse discipline if the allegations are sustained, it is recommended that this matter be reviewed by the Internal Affairs Unit for consideration of following up this investigation.

Incident Location

- 1250 Reed Canal Road, Port Orange, FL 32129 - Location of Occurrence: District 3 South

Categories

Reporting Employees

LT Thomas Tatum - DID #: 2405

Involved Employees

SGT Jonelle Hillyard - DID #: 2383

Assignment at time of incident: Title: SGT CSSR

Video Footage: Not Issued

Role

- Supervisor

DEP Paul Passerello - DID #: 7630

Assignment at time of incident: Title: DEP CSSR

Video Footage: Issued - Activated

Role

- Primary

Citizen Witnesses

Marie Arndt

DOB: 3/8/1956 - Race: White - Gender: Female

Address

- 471 Andrews Street, Port Orange, FL 32129

Phone

- (386) 852-0823

Role

- Victim

Kaleena Cossey

DOB: 6/10/1982 - Race: Black - Gender: Female

Address

- 557 Berkshire Road, Daytona Beach, FL 32114

Phone

- (386) 301-0258

Role

-

Leroy Cossey

DOB: 8/22/2001 - Race: Black - Gender: Male

Address

- 557 Berkshire Road, Daytona Beach, FL 32114

Phone

- (386) 301-0258

Role

- Suspect/Defendant

Althia Thompson**DOB: 2/6/1976 - Race: Unknown - Gender: Female****Address**

- 1588 Puritan Street, Deltona, FL 32725

Phone

- (386) 259-5400

Role

-

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Type
3/8/2019	Original VCSO report 19-3558	
3/8/2019	First Supplement report for 19-3558	
3/8/2019	Second Supplement report 19-3558-Supervisor has not approved or reviewed	
3/8/2019	Written Statement by Marie Arndt	pdf

Assignment History

Sent Dt	From	To
3/20/2019	Shelley Hattaway	(None Specified)
Assignment notes Field status changed in IAPro from To IA to Released		
Email sent to receiver No email sent		
3/20/2019	Shelley Hattaway	(None Specified)
Assignment notes Released back to IAPro		
Email sent to receiver No email sent		

3/26/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Field status changed in IAPro from Released to Pending assignment		
Email sent to receiver No email sent		
3/26/2019	Sergeant Ryan Mills	CSSR, School Resource Deputy,
Assignment notes Field assigned		
Email sent to receiver No email sent		
4/1/2019	Sergeant Ryan Mills	(None Specified)
Assignment notes Field status changed in IAPro from Completed - in holding bin to Released		
Email sent to receiver No email sent		

Chain of Command History

Routing #1	
Sent From:	LT Thomas Tatum
Sent To:	CAPT Erik Eagan
CC:	(none)
Sent Date/Time:	3/8/2019 9:10 AM
Instructions from LT Thomas Tatum to CAPT Erik Eagan:	
FYR	
Comments/Response from CAPT Erik Eagan:	
Comments: [Forwarded by CAPT Erik Eagan]	

Routing #2	
Sent From:	CAPT Erik Eagan
Sent To:	Admin Group
CC:	(none)
Sent Date/Time:	3/8/2019 9:45 AM
Instructions from CAPT Erik Eagan to Admin Group:	
FYR -	
The juvenile 707 is not in RMS and Records has no record of the document.	
Comments/Response from CAPT Eric Westfall:	
Comments: [Forwarded by CAPT Eric Westfall]	

Routing #3	
Sent From:	CAPT Eric Westfall
Sent To:	DCHF Timothy Morgan
CC:	(none)

Sent Date/Time:	3/8/2019 10:14 AM
Instructions from CAPT Eric Westfall to DCHF Timothy Morgan:	
FYR.	
Comments/Response from DCHF Timothy Morgan:	
Comments: [Forwarded by DCHF Timothy Morgan]	

Routing #4	
Sent From:	DCHF Timothy Morgan
Sent To:	CHDP John Creamer
CC:	(none)
Sent Date/Time:	3/19/2019 12:06 PM
Instructions from DCHF Timothy Morgan to CHDP John Creamer:	
FYR and discussion.	
Comments/Response from CHDP John Creamer:	
Comments: CONCUR - FORWARDED FOR FURTHER INVESTIGATION	

Routing #5	
Sent From:	CHDP John Creamer
Sent To:	Admin IA
CC:	(none)
Sent Date/Time:	3/20/2019 12:43 PM
Instructions from CHDP John Creamer to Admin IA:	
SEE NOTES	
Comments/Response from Shelley Hattaway:	
Comments: [Forward to IAPro by Shelley Hattaway]	

Routing #6	
Sent From:	SGT Ryan Mills
Sent To:	CHDP John Creamer
CC:	(none)
Sent Date/Time:	3/26/2019 2:54 PM
Instructions from SGT Ryan Mills to CHDP John Creamer:	
FYR	
Comments/Response from CHDP John Creamer:	
Comments: [Forwarded by CHDP John Creamer]	

Routing #7	
Sent From:	CHDP John Creamer
Sent To:	CHDP Joseph Gallagher
CC:	(none)
Sent Date/Time:	3/27/2019 1:49 PM
Instructions from CHDP John Creamer to CHDP Joseph Gallagher:	
Per conversation	
Comments/Response from CHDP Joseph Gallagher:	
Comments: [Forwarded by DCHF Joseph Gallagher]	

Routing #8	
Sent From:	CHDP Joseph Gallagher

Sent To:	SGT Ryan Mills
CC:	CHDP John Creamer, CAPT Erik Eagan
Sent Date/Time:	4/1/2019 1:08 PM
Instructions from CHDP Joseph Gallagher to SGT Ryan Mills:	
Supervisor Inquiry on Deputy Paul Passerrello and Sergeant Jonelle Hillyard for Violations of 26.2.34, 26.2.40, 26.2.132 and 42.1. Upon review, the incident does not merit IA investigation. SOS Commander will determine & administer discipline on said employees.	
Comments/Response from SGT Ryan Mills:	
Comments: [Forward to IAPro by SGT Ryan Mills]	

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

CAPT Erik Eagan

CAPT Eric Westfall

DCHF Timothy Morgan

CHDP John Creamer

Shelley Hattaway

CHDP Joseph Gallagher

SGT Ryan Mills